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1978

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIII] Trivandrum, Wednesday, 19th July 1978 / 28th Ashadha 1900 [No. 476

GOVERNMENT OF KERALA

Revenue (N) Department

NOTIFICATION

G. O. Ms. No. 1118/78/RD. *Dated, Trivandrum, 18th July 1978.*

S. R. O. No. 720/78.—In exercise of the powers conferred by section 100A of the Kerala Land Reforms Act, 1963 (1 of 1964), the Government of Kerala hereby make the following amendment to the notification issued in G. O. Ms. No. 311/75/RD dated the 4th April, 1975 and published as S. R. O. No. 305/75 in the Kerala Gazette Extraordinary No. 174 dated the 4th April, 1975, as subsequently amended, namely:—

AMENDMENT

In the Schedule to the said notification, under the heading "ALLEPPEY DISTRICT", in column (2), against the entry "2. Shertallai Taluk" in column (1), after item 1, the following items shall be inserted, namely:—

"2. V. K. Viswanathan,
Viswa Bhavan,
Pattanacaud P.O.,
Shertallai. Member

3. P. N. Madhava Panicker,
Puthiyatta Veedu,
Shertallai South. Member".

By order of the Governor,

P. SREEDHARA MENON,
Deputy Secretary to Government.

33/2675/MC.

Explanatory Note

The names of Shri V. K. Viswanathan and Shri P. N. Madhava Panicker, Members, Taluk Land Board, Shertallai have been omitted from the existing notification as they have lost their membership due to absence from three consecutive meetings of the Taluk Land Board. It has however, been decided that they may be re-nominated to the Taluk Land Board, Shertallai. This notification is intended to achieve the above object.

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Government of Kerala
1978

Reg. No. KL/TV/[illegible]

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EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIII] Trivandrum, Wednesday, 19th July 1978 / 28th Ashadha 1900 [No. 478

GOVERNMENT OF KERALA

Law (Legislation-B) Department

NOTIFICATION

No. 9832/Leg. B1/78/Law. *Dated, Trivandrum, 19th July, 1978/ 28th Ashadha 1900.*

A translation in the English language of the Kerala Vanolppannam (Vilpanavila Nijappeduthal) Bill, 1978 (Fifth Kerala Legislative Assembly Bill No. 74) together with the Statement of Objects and Reasons, Financial Memorandum and Memorandum regarding Delegated Legislation is hereby published.

By order of the Governor,

K. VISWANATHAN NAIR,

Law Secretary.

33/2677/MC

THE KERALA FOREST PRODUCE (FIXATION OF SELLING PRICE) BILL, 1978

A

BILL

to provide for the fixation of the selling price of certain important forest produce, for the prohibition of the sale of such forest produce at less than the price so fixed and for matters incidental or ancillary thereto.

Preamble.—WHEREAS it is necessary to safeguard the forest wealth of the State to the maximum extent possible;

AND WHEREAS the proper regeneration and maintenance of the forests in the State is not possible unless the forest produce is sold at reasonable rates and the proceeds thereof are utilised for such purposes;

AND WHEREAS the very existence of the forest depends on the proper regeneration and maintenance thereof;

AND WHEREAS forest produce particularly timber including bamboo and soft wood like eucalyptus is being sold at unreasonably low rates;

AND WHEREAS it is necessary for the conservation of the forests to provide for the fixation of the selling price of certain important forest produce, for the prohibition of the sale of such produce at less than the price so fixed and for matters incidental or ancillary thereto;

Be it enacted in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Forest Produce (Fixation of Selling Price) Act, 1978.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "committee" means the expert committee constituted under section 4;

(b) "forest" means any reserved forest within the meaning of the Kerala Forest Act, 1961 (4 of 1962) and includes any forest vested in the Government under section 3 of the Kerala Private Forests (Vesting and Assignment) Act, 1971(26 of 1971);

(c) "forest produce" means bamboos, reeds, eucalyptus, vateria indica (vellapine), dipterocarpus species (kalpine), calophyllum species(punna), cedrelatoona (chandana vembu), palaquim elipticum (pali), ailanthus malabaricum (matty), bombax malabaricum (elavu) evodia roxburghiana (kambli), dysoxylum malabaricum (vellakil) and adina cordifolia (kadambu);

(d) "prescribed" means prescribed by rules made under this Act;

(e) "selling price" with reference to any forest produce, means the price of that forest produce fixed by the Government under section 3;

(f) "State" means the State of Kerala;

(g) words and expressions used but not defined in this Act and defined in the Kerala Forest Act, 1961 (4 of 1962), shall have the meanings respectively assigned to them in that Act.

3. *Government to notify selling price of forest produce.*—(1) The Government shall, before the end of each financial year, by notification, published in the Gazette, fix the selling price of every forest produce for the following financial year.

(2) Notwithstanding anything contained in sub-section (1), the Government shall, as soon as may be after the commencement of this Act, by notification published in the Gazette, fix the selling price of every forest produce for the period commencing on the date of publication of such notification and ending with the 31st day of March, 1979.

(3) Before fixing the selling price of any forest produce under sub-section (1) or sub-section (2), the Government shall consult the committee and consider its recommendations.

4. *Constitution of Expert Committee.*—(1) The Government shall as soon as may be after the commencement of this Act, by notification in the Gazette, constitute an expert committee for the purpose of recommending to the Government a fair and reasonable selling price for each forest produce.

(2) The Committee shall consist of the following members, namely:

(a) the Minister of the State in charge of forests, *ex-officio*, who shall be the Chairman of the Committee;

(b) the Agricultural Production Commissioner, *ex-officio*;

(c) the Chief Conservator of Forests, *ex-officio*;

(d) the Secretary to Government, Industries Department, *ex-officio*;

(e) the Secretary to Government, Finance Department, *ex-officio*;

(f) the Director of Statistics, *ex-officio*;

(g) two persons nominated by the Government, to represent industries consuming forest produce, of whom one shall be a person representing such industries in the private sector;

(h) the Joint Secretary to Government in charge of Forests, *ex-officio*, who shall be the Secretary of the committee.

(3) The members referred to in clause (g) of sub-section (2) shall hold office for a period of two years and shall be eligible for renomination.

(4) The members of the committee shall be entitled to such allowances as may be prescribed.

(5) The Committee shall, in making its recommendations, have regard *inter alia* to the following matters, namely:-

(a) the market price of the forest produce;

(b) the cost of regenerating and maintaining the forest produce in cases where regeneration is necessary after selling the forest produce; and

(c) such other matters as may be prescribed.

(6) The Committee shall follow such procedure as may be prescribed.

5. *Forest produce to be sold at price not less than the selling price.*—(1) After the date of the publication of the notification under sub-section (2) of section 3, no forest produce shall be sold by the Government or any forest officer at a price which is less than the selling price of that forest produce.

(2) The sale of any forest produce in contravention of sub-section (1) shall be null and void and shall not be enforceable in a court of law.

(3) Notwithstanding anything contained in sub-section (1), the Government may, for reasons to be recorded in writing direct the sale of any forest produce in public auction and such sale shall not be deemed to be null and void merely on the ground that the price fetched at such auction is less than the selling price.

(4) A public auction under sub-section (3) shall be conducted by such persons and in such manner as may be prescribed.

6. *Exemption.*—The Government may, in the public interest, by notification in the Gazette, exempt the sale of any forest produce—

(a) to any company owned by the Central Government or the Government of Kerala;

(b) not exceeding five tonnes, for domestic consumption or to any co-operative society registered or deemed to be registered under the Kerala Co-operative Societies Act, 1969 (21 of 1969) or to any society registered or deemed to be registered under the Societies Registration Act, 1860 (Central Act 21 of 1860) or the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955 (XII of 1955),

from the provisions of section 5, subject to such conditions and restrictions as may be specified in the notification.

7. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) all matters expressly required or allowed by this Act to be prescribed;

(b) any other matter which has to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid as soon as may be after it is made before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and, if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

STATEMENT OF OBJECTS AND REASONS

At present there is no rule or procedure to fix the selling price of forest produce. It is considered necessary that Government should fix the selling price of certain important forest produce every year so that they are sold at reasonable rates and the proceeds thereof are utilised for the proper regeneration and maintenance of the forests in the State.

2. The Bill is intended to achieve the above object.

FINANCIAL MEMORANDUM

The Bill if enacted and brought into operation would involve additional expenditure from the Consolidated Fund of the State, in respect of Travelling Allowance and Dearness Allowance to the members of the expert committee to be constituted under clause 4 of the Bill for the purpose of recommending to Government a fair and reasonable selling price for each forest produce. The expenditure to be incurred on this account cannot now be estimated with any degree of accuracy.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 3 of the Bill seeks to empower the Government to fix before the end of each financial year the selling price of every forest produce for the following financial year, by notification published in the Gazette. Sub-clause (2) of the said clause seeks to empower the Government to fix as soon as may be after the commencement of the Act, by notification published in the Gazette, the selling price of every forest produce for the period commencing on the date of publication of such notification and ending with the 31st day of March, 1979.

2. Sub-clause (1) of clause 4 seeks to empower the Government to constitute, by notification in the Gazette, an expert committee for the purpose of recommending to Government a fair and reasonable selling price for each forest produce. Sub-clause(4) of the said clause seeks to empower the Government to prescribe the allowances to which the members of the committee shall be entitled. Sub-clause (5) of clause 4 seeks to empower the Government to prescribe the matters which the committee shall, in addition to the matters specified in the said sub-clause, take into consideration in making its recommendations to the Government. Sub-clause (6) of clause 4 seeks to empower the Government to prescribe the procedure which shall be followed by the committee.

3. Sub-clause (3) of clause 5 of the Bill seeks to empower the Government to direct, for reasons to be recorded in writing, the sale of any forest produce in public auction. Sub-clause (4) of the said clause seeks to provide that the public auction shall be conducted by such persons and in such manner as may be prescribed by the Government.

4. Clause 6 of the Bill seeks to empower the Government to exempt in the public interest, by notification in the Gazette, the sale of any forest produce (a) to any company owned by the Central Government or the Government of Kerala, (b) not exceeding five tonnes for domestic consumption or to any co-operative society registered or deemed to be registered under the Kerala Co-operative Societies Act, 1969 (21 of 1969) or to any society

registered or deemed to be registered under the Societies Registration Act, 1860 (Central Act 21 of 1860) or the Travancore-Cochin Literary Scientific and Charitable Societies Registration Act, 1955 (XII of 1955), from the provisions of section 5 subject to such conditions and restrictions as may be specified in the notification.

5. Clause 7 of the Bill seeks to empower the Government to make rules to carry out the provisions of this Act.

6. The matters in respect of which notifications may be issued or rules may be made are of an administrative or procedural nature. Further the rules shall be subject to the scrutiny of the Legislative Assembly. The delegation of legislative power is thus of a normal character.

KANTHALOT KUNHAMBU

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TRIVANDRUM, 1978

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1978

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GOVERNMENT OF KERALA

Revenue (N) Department

NOTIFICATION

G. O. Ms. No. 1117/78/RD. *Dated, Trivandrum, 18th July 1978.*

S. R. O. No. 719/78.—In exercise of the powers conferred by section 100A of the Kerala Land Reforms Act, 1963 (1 of 1964), the Government of Kerala hereby make the following amendment to the notification issued in G. O. Ms. No. 311/75/RD dated the 4th April, 1975 and published as S. R. O. No. 305/75 in the Kerala Gazette Extraordinary No. 174 dated the 4th April, 1975, as subsequently amended, namely:—

AMENDMENT

In the Schedule to the said notification, under the heading "ALLEPPEY DISTRICT", in column (2), against the entry "2. Shertallai Taluk" in column (1), the following items shall be omitted, namely:—

"2. V. K. Viswanathan,
Viswa Bhavan,
Pattanacaud P. O.,
Shertallai. Member

3. P. N. Madhava Panicker,
Puthiyatta Veedu,
Shertallai South. Member".

By order of the Governor,

P. SREEDHARA MENON,
Deputy Secretary to Government.

33/2674/MC.

Explanatory Note

Shri V. K. Viswanathan and Shri P. N. Madhava Panicker, Members, Taluk Land Board, Shertallai absented themselves from three consecutive meetings of the Taluk Land Board and thus lost their memberships. It has therefore, been decided that their names may be removed from the existing notification. This notification is intended to achieve the above object.

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1978

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Vol. XXIII] Trivandrum, Wednesday, 19th July 1978 / 28th Ashadha 1900 [No. 477

GOVERNMENT OF KERALA

Public Works and Electricity (D) Department

DECLARATIONS

(1)

No. 28471/D1/78/PW. *Dated, Trivandrum, 12th July 1978.*

Whereas in exercise of the powers conferred by clause (1) of Article 258 of the Constitution the President has, in his notification No. 2/4/63/Judl. II dated 31-5-1963 entrusted the Government of Kerala, with their consent, the functions of the Central Government under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962), in relation to acquisition of land for the purpose of the Union in this State;

And whereas under sub-section (4) of Section 19 of the said Act the Government of Kerala have directed that in view of the urgency of the case, the provisions of section 5 of the Act shall not apply to the land specified in the Schedule below;

And whereas the Government are satisfied that the said lands have to be acquired for a public purpose;

The Government of Kerala hereby declare under section 6 of the Act that the lands specified in the schedule below and measuring 0.0396 hectares be the same a little more or less, are needed for a public purpose, to wit, for easing curves in NH 47 and to reconstruct a weak culvert and under section 7 of the Act direct the Deputy Collector (LA), Trichur to take order for the acquisition of the land. Further, under sub-section (1) of section 19 of the Act the Government direct that the Collector may take possession of the lands on the expiry of fifteen days from the date of publication of the notice mentioned in sub-section (1) of section 9 of the Act.

A plan of the land is kept in the office of the District Collector, Trichur and may be inspected at any time during office hours.

ഭരണഘടന 258-ാം വകുപ്പ് (1)-ാം ഖണ്ഡത്താൽ നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച് രാഷ്ട്രപതി, യൂണിയന്റെ ആവശ്യത്തിനായി ഈ സംസ്ഥാനത്ത് ഭൂമി വിലയ്ക്കെടുക്കുന്നത് സംബന്ധിച്ചിടത്തോളം 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21-ാം ആക്റ്റ്) പ്രകാരം കേന്ദ്ര ഗവൺമെന്റിന്റെ പ്രവർത്തികൾ തന്റെ 31-5-1963-ാം തീയതിയിലെ 2/4/63/Judl. II-ാം നമ്പർ പരസ്യപ്രകാരം കേരള ഗവൺമെന്റിനെ ആ ഗവൺമെന്റിന്റെ സമ്മതത്തോടുകൂടി ഭരമേൽപ്പിച്ചിരിക്കയാലും;

പ്രസ്തുത ആക്റ്റ് 19-ാം വകുപ്പ് 4-ാം ഉപവകുപ്പു പ്രകാരം കേരള ഗവൺമെന്റ് പ്രസ്തുത സംഗതിയുടെ അടിയന്തിരസ്ഥിതി പരിഗണിച്ച്, ആക്റ്റ് 5-ാം വകുപ്പിലെ വ്യവസ്ഥകൾ താഴെ പട്ടികയിൽ വിവരിച്ചിട്ടുള്ള ഭൂമിക്ക് ബാധകമല്ലെന്ന് നിർദ്ദേശിക്കയാലും;

പ്രസ്തുത ഭൂമി ഒരു പൊതുകാര്യത്തിനായി വിലയ്ക്കെടുക്കേണ്ടതാണെന്ന് ഗവൺമെന്റിന് ബോദ്ധ്യപ്പെട്ടിരിക്കുന്നതിനാലും;

കേരള ഗവൺമെന്റ് താഴെ കാണുന്ന പട്ടികയിൽ വിവരിച്ചിട്ടുള്ളതും 0.0596 ഹെക്ടർ വിസ്തീർണ്ണമുള്ളതുമായ ഭൂമി, അത് അത്രതന്നെയോ, അതിൽ അൽപ്പം കുറവോ കൂടുതലോ ആയിരുന്നാലും വേണ്ടതില്ല, ഒരു പൊതുകാര്യത്തിന്, അതായത് 47-ാം നമ്പർ നാഷണൽ ഹൈവേയിൽ വളവ് തീർത്ത് കൾവർട്ട് പുതുക്കി ബലപ്പെടുത്തി പണിയുന്നതിന് ആവശ്യമാണെന്ന് ആക്റ്റ് 6-ാം വകുപ്പ് പ്രകാരം ഇതിനാൽ പ്രഖ്യാപിക്കുകയും, ആ ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുള്ള ഉത്തരവ് സ്വീകരിപ്പാൻ ആക്റ്റ് 7-ാം വകുപ്പു പ്രകാരം തൃശ്ശൂർ ലാന്റ് അക്വിസിഷൻ ഡെപ്യൂട്ടി കളക്ടർ എന്ന ആളോട് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു. ആക്റ്റ് 9-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിൽ പറഞ്ഞിരിക്കുന്ന നോട്ടീസ് പ്രസിദ്ധപ്പെടുത്തുന്ന തീയതി മുതൽ പതിനഞ്ചു ദിവസം കഴിഞ്ഞാൽ കളക്ടർക്ക് ആ ഭൂമി കൈവശപ്പെടുത്താവുന്നതാണെന്നുകൂടി ആക്റ്റ് 19-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരം ഗവൺമെന്റ് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു.

സ്ഥലത്തിന്റെ പ്ലാൻ തൃശ്ശൂർ ജില്ലാ കളക്ടർ എന്ന ആളുടെ ആഫീസിൽ സൂക്ഷിച്ചിട്ടുണ്ട്. ആഫീസ് സമയത്ത് എപ്പോഴെങ്കിലും അത് പരിശോധിക്കുകയും ചെയ്യാം.

SCHEDULE

District.—Trichur.

Taluk.—Mukundapuram. *Village.*—Potta.

(The extent given is approximate)

Sl. No.	*Sy. No.*	*Description*	*Extent in hectares*
1.	216/2-7	Wet.	0.0020
2.	216/3-8	do.	0.0283
3.	217/1-3	Dry	0.0162
4.	212/2-5	Wet.	0.0040
5.	212/4-7	do.	0.0010
6.	212/2-6	do.	0.0081
		Total	0.0596

(2)

No. 28472/DI/78/PW. *Dated, Trivandrum, 12th July 1978.*

Whereas in exercise of the powers conferred by clause (1) of Article 258 of the Constitution the President has, in his notification No. 2/4/63/Judl. II dated 31-5-1963 entrusted the Government of Kerala, with their consent, the functions of the Central Government under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962), in relation to acquisition of lands for the purpose of the Union in this State;

And whereas under sub-section (4) of Section 19 of the said Act the Government of Kerala have directed that in view of the urgency of the case, the provisions of section 5 of the Act shall not apply to the lands specified in the Schedule below;

And whereas the Government are satisfied that the said lands have to be acquired for a public purpose;

The Government of Kerala hereby declare under section 6 of the Act that the lands specified in the schedule below and measuring 0.0202 hectares, be the same, a little more or less, are needed for a public purpose, to wit for easing curve in N. H. 47 Trichur Karukutty Reach and under section 7 of the Act direct the Deputy Collector (L.A), Trichur to take order for the acquisition of the lands. Further, under sub-section (1) of section 19 of the Act the Government direct that the Collector may take possession of the lands on the expiry of fifteen days from the date of publication of the notice mentioned in sub-section (1) of section 9 of the Act.

A plan of the lands is kept in the office of the District Gollector, Trichur and may be inspected at any time during office hours.

ഭരണഘടന 258-ാം വകുപ്പ് (1)-ാം ഖണ്ഡത്താൽ നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച് രാഷ്ട്രപതി, യൂണിയന്റെ ആവശ്യത്തിനായി ഈ സംസ്ഥാനത്ത് ഭൂമി വിലയ്ക്കെടുക്കുന്നതു സംബന്ധിച്ചിടത്തോളം 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്ട് (1962-ലെ 21-ാം ആക്ട്) പ്രകാരം കേന്ദ്ര ഗവൺമെന്റിന്റെ പ്രവൃത്തികൾ തന്റെ 31-5-1963-ാം തീയതിയിലെ 2/4/63/Judl. II-ാം നമ്പർ പരസ്യപ്രകാരം കേരള ഗവൺമെന്റിനെ ആ ഗവൺമെന്റിന്റെ സമ്മതത്തോടുകൂടി ഭരമേൽപ്പിച്ചിരിക്കയാലും;

പ്രസ്തുത ആക്ട് 19-ാം വകുപ്പ് 4-ാം ഉപവകുപ്പുപ്രകാരം കേരള ഗവൺമെന്റ് പ്രസ്തുത സംഗതിയുടെ അടിയന്തിരസ്ഥിതി പരിഗണിച്ച് ആക്റ്റ് 5-ാം വകുപ്പിലെ വ്യവസ്ഥകൾ താഴെ പട്ടികയിൽ വിവരിച്ചിട്ടുള്ള ഭൂമിക്ക് ബാധകമല്ലെന്ന് നിർദ്ദേശിക്കയാലും;

പ്രസ്തുത ഭൂമി ഒരു പൊതുകാര്യത്തിനായി വിലയ്ക്കെടുക്കേണ്ടതാണെന്ന് ഗവൺമെന്റിന് ബോദ്ധ്യപ്പെട്ടിരിക്കുന്നതിനാലും;

കേരള ഗവൺമെന്റ്, താഴെ കാണുന്ന പട്ടികയിൽ വിവരിച്ചിട്ടുള്ളതും 0.0202 ഹെക്ടർ വിസ്തീർണ്ണമുള്ളതുമായ ഭൂമി, അത് അത്രതന്നെയോ അതിൽ അൽപ്പം കുറവോ കൂടുതലോ ആയിരുന്നാലും, വേണ്ടതില്ല, ഒരു പൊതുകാര്യത്തിന് അതായത്, 47-ാം നമ്പർ നാഷണൽ ഹൈവേയിൽപ്പെട്ട